



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 09 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7663 5875
RETURN RECEIPT REQUESTED

Mr. James Nelson
Director of Technical Services
Americhem Sales Corporation
340 North Street
Mason, Michigan 48854

Re: Notice of Violation
Compliance Evaluation Inspection
EPA ID #: MID052034402

Dear Mr. Nelson:

On February 25, 2014, representatives of the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality inspected the Americhem Sales Corporation facility (hereinafter "Americhem" or "facility") located in Mason, Michigan. The purpose of the inspection was to evaluate Americhem's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.*, and its implementing regulations; specifically, the regulations governing the generation, treatment, storage, and disposal of hazardous waste. We have enclosed a copy of the inspection report and checklist for your reference.

Based on the observations of the inspector, information provided by Americhem personnel, and a review of records, EPA finds that Americhem is in violation of the requirements applicable to generators of hazardous waste set forth in the Michigan Administrative Code (MAC) and the United States Code of Federal Regulations (CFR). Specifically, EPA finds that Americhem failed to meet the requirements of a hazardous waste generator, and is in violation of the following regulation:

1. A person who generates a solid waste as defined in MAC R. 299.9202 [40 CFR § 261.2] must determine if that waste is a hazardous waste by using the following methods: (a) determine if the waste is excluded from regulation under rule MAC R. 299.9204 [40 CFR § 261.4]; (b) determine if the waste is listed as a hazardous waste in rules MAC R. 299.9213 and R. 299.9214 [Subpart D of 40 CFR § 261]; and (c) determine whether the waste is identified in rules MAC R. 299.9212 [Subpart C of 40 CFR § 261] by testing the waste or applying knowledge of the waste in light of the materials used. *See* MAC R. 299.9302(1) [40 CFR § 262.11(a)-(c)].

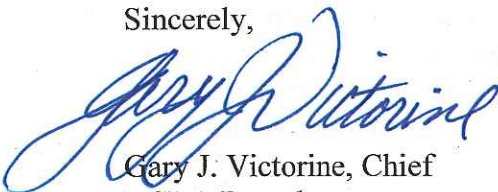
A generator must keep records of any test results, waste analyses, or other determinations made in accordance with MAC R. 299.9302(1)[40 CFR § 262.11] for at least three years from the date that the waste was last sent for treatment, storage or disposal. *See* MAC R. 299.9308(6)(a) [40 CFR § 262.40(c)].

Americhem generates hazardous waste in the form of spent scale house pump wash, which is derived from the collection of solvent drippings, and off-specification "Amlac 2910," a general solvent blend the facility also produces by collecting waste solvents. On Americhem's hazardous waste manifests, both materials are given the waste codes D001, D018, D035, F003 and F005. At the time of inspection, Americhem personnel indicated the scale house pump wash and off-specification Amlac 2910 were given those waste codes based on the solvent mixtures that could potentially be present in each waste. As an example of the solvents present in its hazardous waste, Americhem presented an undated document which displayed the percent composition of each solvent in a previous Amlac 2910 sample. However, Americhem could not present any test results, waste analyses, or other determinations that both the scale house pump wash and Amlac 2910 meet the definition of D001, D018, D035, F003 and F005 hazardous wastes. Americhem, therefore, failed to maintain records of its hazardous waste determinations and is in violation of the abovementioned requirement.

Under Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above requirements.

You should submit your response to Brian Kennedy, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604. If you have any questions regarding this letter, please contact Mr. Kennedy, of my staff, at (312) 353-4383.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Bryan Grochowski, MDEQ (grochowskib@michigan.gov)
John Craig, MDEQ (craigj@michigan.gov)
Lonnie Lee, MDEQ (leel@michigan.gov)